

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

EXPLORICA, INC.

Plaintiff,

v.

ELDERHOSTEL, INC.  
d/b/a EXPLORITAS,

Defendant.

Civil Action No. 09-11719-RGS

**DECLARATION OF NANCY MERZ NORDSTROM IN OPPOSITION  
TO EXPLORICA'S MOTION FOR A PRELIMINARY INJUNCTION**

I, Nancy Merz Nordstrom, declare as follows:

1. I spent many years in office administration for both the private and non-profit sectors. At age 53, I was awarded a Masters of Education degree (M.Ed.) from Cambridge College in Cambridge, Massachusetts. As a later-life student, I became aware of the opportunities and challenges facing older adults, and I have dedicated myself to the belief that lifelong learning is both empowering and life-affirming, regardless of age.

2. As an employee of Elderhostel from 1999-2004, I directed the Elderhostel Institute Network, North America's largest educational organization for older adults. Today, I continue to do this same work, but as a consultant for the organization (2004-present). In this role, I provide resources for and facilitate communication among almost 400 Lifelong Learning Institutes across the United States and Canada, and I develop links between these programs and similar programs in Europe, Australia, Japan, and New Zealand.

3. I have been interviewed extensively by the media about the learning in retirement movement. Articles have appeared online, and in many newspapers and periodicals, including the Wall Street Journal, the New York Times, the Boston Globe and the Washington Post. I have taken part in numerous radio interviews, local TV shows, and was a guest on the CNN Financial News TV show, "Your Money."

4. I am the author of the book *Learning Later, Living Greater: The Secret for Making the Most of Your After-50 Years*. My book spreads the word about the concept, benefits, and opportunities of Lifelong Learning for older adults.

5. I have a website at [www.learninglater.com](http://www.learninglater.com) that provides information about lifelong learning for older adults. On my website, I have a page that lists educational travel providers for older adults. The educational travel providers listed include, for example, Elderhostel and Eldertreks.

6. I did not originally include a link to Explorica from my website because (1) I had never heard of them, and (2) I do not believe that Explorica's business is relevant to my website and my message. The purpose of my website is to promote lifelong learning for people over 50 years of age. For people over 50 years of age, I believe that lifelong learning raises your intellectual, social, spiritual and physical horizons to new heights.

7. I have since learned that Explorica provides travel services for groups of high school students. When I looked at Explorica's website, I saw a website designed to appeal to high school teachers and high school students. Nearly all of the pictures of people participating in Explorica's programs are teenagers.

8. I was contacted by an Explorica employee, who asked me to add a link to Explorica from my website. I was surprised by this and questioned its relevance, since Explorica appears to provide travel for high school students and not for older adults. However, the Explorica employee pressed for me to accept his link and offered a cash payment. I was at that time attempting to build my own business and relying on those efforts as my primary source of income, so I was in no position to turn down offers and accordingly I agreed to provide the link. Attached as Exhibit A is a copy of my invoice to Explorica.

I declare under penalty of perjury that the foregoing is true and correct:

January 14, 2010  
Date

Nancy Merz Nordstrom  
Nancy Merz Nordstrom

**CERTIFICATE OF SERVICE**

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Michael A. Albert